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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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October 22, 2004

FACSIMILE COVER SHEET

To: Examiner Hussein A. El-chanti
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Notice of Appeal containing Certificate of
Facsimile Transmission and Authorization
to Charge Deposit Account 23-3000 in the
amount of \$340.00 for the Fee (1 page)

From: Scott A. Stinebruner
Reg. No. 38,323
Re: U.S. Patent Application
Serial No. 09/732189
Filed: December 7, 2000
Applicant: Robert Miller
Art Unit: 2157
Confirmation No.: 1431
Our Ref: IBM/151

Pages: 2 (including cover sheet)

MESSAGE/COMMENTS OFFICIAL

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Judith L. Volk
Judith L. Volk

October 22, 2004
Date

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PATENT

Attorney Docket No. IBM/151
Confirmation No. 1431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Miller Art Unit: 2157
 Serial No.: 09/732,189 Examiner: Hussein A. El-chanti
 Filed: December 7, 2000 Atty. Docket No.: IBM/151
 For: PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed **July 23, 2004** finally rejecting claims 1-26.

The item(s) checked below are appropriate:

1. Applicant hereby petitions for a _____ month extension of time to reply to the final rejection.
 A check in the amount of \$_____ is attached.

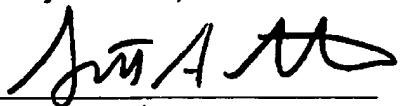
2. Appeal Fee: XXX Other than a small entity Fee: \$340.00
 Small Entity Status previously Fee: \$_____
 Requested and is still proper
 Small Entity Status Requested Fee: \$_____

3. Payment

 Check attached for the sum of \$_____.
XXX Please charge the sum of \$340.00 and any deficiency or credit
 any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

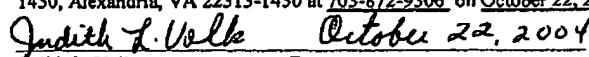
By:


 Scott A. Stinebruner
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Date: 22 OCT 2004

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 Serial No. 09/732,189
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 Judith L. Volk October 22, 2004
 Date